



November 8, 2017

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW, Room TW-A325
Washington, DC 20554

**Re: Ex Parte Communication
Accelerating Wireless Broadband Deployment by Removing Barriers to
Infrastructure Investment, WT Docket No. 17-79**

Dear Ms. Dortch:

On Nov. 6, 2017, Charles McKee and I of Sprint met with Kevin Holmes, legal advisor to Commissioner Clyburn. On Nov. 7, 2017, we met separately with Rachael Bender, legal advisor to Chairman Pai; Umair Javed, legal advisor to Commissioner Rosenworcel; and Erin McGrath, legal advisor to Commissioner O’Rielly.

Sprint addressed the need to reform the historic review process, including tribal historic review. The costs for Section 106 review have increased dramatically in recent years and constitute a substantial barrier to the deployment of small cells that are essential to provide more coverage and capacity to America’s mobile broadband consumers.

Sprint pointed out that reducing the burden of review fees can be accomplished in several ways, including exempting sites in public rights of way and by limiting fees to actual consultation on identified historic properties rather than upfront across-the-board fees. Equally important, Sprint urged the FCC to address the delays caused by the failure of certain tribes to complete the review process.

Sprint also discussed the draft order on replacement poles circulated on Oct. 26, 2017. Sprint noted that the draft order defines replacement poles in an ambiguous manner and does not explicitly address whether traffic signals and street lights are exempt from review. A structure replaced pursuant to a city’s request for aesthetic or safety concerns when a new small cell is installed should not require historic review. Sprint also noted that replacement poles are rarely replaced in the “same hole” but rather installed immediately adjacent to the existing pole to facilitate the transfer of cables and infrastructure from the old pole to the new pole. Sprint urges the Commission to clarify that the installation of a replacement support structure is exempt regardless of whether it’s a utility pole, street light, or traffic signal so long as the replacement is installed within 15’ of the original and is within a utility or transportation right of way. Sprint also recommends that the Commission establish a presumption that the installation of a replacement pole, traffic signal, or street light to support a small cell within an active utility or transportation right of way is presumed to be in previously disturbed ground if the excavation is within 15’ of the original location.

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Pursuant to Section 1.1206 of the Commission's Rules, a copy of this letter is being filed electronically in the above-referenced docket. If you have any questions, please feel free to contact me at (703) 592-2560.

Sincerely,

/s/ Keith C. Buell

Keith C. Buell
Senior Counsel

cc: Rachael Bender
Erin McGrath
Kevin Holmes
Umair Javed